

### **Remarks**

In response to the Office Action mailed on February 24, 2005, the Applicant sincerely requests reconsideration in view of the above amendments to the claims and the following remarks. The claims as presented are believed to be in allowable condition. In the above-referenced amendments, claims 6, 10, 11, 13, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 36, 43, and 44 have been amended and claims 1-5, 8, 14, 20-21, 31-35, 38, and 47 have been canceled. Claims 6, 36, and 43 have been amended to clarify that the set of parameters include a plurality of disparate routing parameters for determining an optimal path among a plurality of available paths along a network segment. Claim 13 has been amended to incorporate the features of canceled claim 21, to specify a backbone and a plurality of disparate segments in the communications network, and to clarify that a distribution device is provided along each of the plurality of disparate segments, the distribution device including: a receiver for receiving data from a central server and instructions to further adapt data according to transmission parameters associated with the plurality of disparate segments, a processor for implementing the instructions, and a transmitter for transmitting the adapted data to one or more receiving devices. Claims 10, 11, 15-19, 22-30, and 44 have been amended to conform to their respective independent claims and to correct various informalities including providing proper antecedent basis. Support for these amendments may be found in Fig. 1, page 12, lines 5-14 and lines 20-21 through page 13, lines 1-9, and on page 14, lines 17-21 through page 15, line 1 of the Specification. No new matter has been added.

Claims 1-48 are currently pending in the present application. In the Office Action, claims 13-30, 44, and 46-48 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-9 and 31-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hadland

(U.S. Patent 6,405,254). Claims 43-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sahai et al. (U.S. Patent 6,594,699, hereinafter "Sahai"). Claims 10-12, 13-30 and 40-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hadland in view of Natarajan et al. (U.S. Patent 6,539,427, hereinafter "Natarajan").

### **Claim Rejections - 35 U.S.C. §112**

Claims 13-30, 44, and 46-48 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As reflected in the above section entitled "Amendments to the Claims," claims 14, 20-21, and 47 have been canceled. With respect to claim 13, the claim has been amended to read "for distributing a plurality of sets" and the word "administration" has been removed from line 9. With respect to claim 15, the phrase "of1atleast" has been amended to read "of at least." With respect to claims 22-27, the claims have been amended to more particularly define the processor and the transmitter as providing a means to perform the functionality described in these claims. With respect to claim 44, the claim has been amended to clarify that the data is adapted by the centralized server. Based on the above described amendments, it is respectfully submitted that claims 13, 15, 22-27, 44, 46, and 48 are definite and that the rejections of these claims should be withdrawn.

### **Claim Rejections - 35 U.S.C. §102**

#### Claims 1-9 and 31-39

In the Office Action, claims 1-9 and 31-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hadland. As noted in the "Amendments to the Claims" section above, claims 1-5, 8, 31-35, and 38 have been canceled. The rejections of the remaining claims are respectfully traversed.

Hadland discloses a communications system including a remote that transmits first data in a first protocol and a host that receives second data in a second protocol. A protocol converter coupled to the remote and the host receives first data from the remote. The protocol converter includes a first facility, a utility, and a second facility running as processes on the protocol converter. The first facility communicates first data to the utility, the utility translates first data into second data, and the second facility communicates the second data to the host (See Col. 1, lines 34-44).

Amended independent claim 6 specifies a method executed by a distribution device of adapting data according to a set of parameters associated with a network segment that is downstream from the distribution device. The method includes receiving at the distribution device instructions, wherein the instructions instruct the distribution device to adapt the data, receiving the data from a sending device, adapting the data to conform to the set of parameters associated with the network segment, wherein the set of parameters include a plurality of disparate routing parameters for determining an optimal path among a plurality of available paths along the network segment, and transmitting the adapted data along the network segment based on at least one of the plurality of disparate routing parameters.

Hadland fails to teach, disclose, or suggest each and every feature specified in amended independent claim 6. For example, Hadland fails to disclose a set of parameters including a plurality of disparate routing parameters for determining an optimal path among a plurality of available paths along a network segment, and transmitting the adapted data along the network segment based on at least one of the plurality of disparate routing parameters. Since, based on the discussion above, Hadland fails to teach, disclose, or suggest each and every feature of

amended independent claim 6, this claim is allowable and the rejection of this claim should be withdrawn.

Claims 7 and 9 depend from amended independent claim 6 and are thus allowable for at least the same reasons discussed above with respect to amended independent claim 6 including the additional features cited therein. For instance, claim 7 specifies that adapting the data comprises adjusting a packet size of the data according to bandwidth restrictions of the network segment. Although the Office Action (in the paragraph 16) alleged that this feature is disclosed in Hadland at Col. 2, lines 27-33, this allegation is respectfully traversed. In particular, Hadland discloses that a protocol includes information specifying the content or nature of transmitted data. This information may include transmission rate, frame formats, blocking formats, etc. However, claim 7 does not specify information specifying the content or nature of transmitted data, but rather discloses adjusting a packet size of data according to bandwidth restrictions of a network segment. It is respectfully submitted that a protocol, while specifying a packet size, does not adjust the packet size of data according to bandwidth restrictions of a network segment, as specified in claim 7. Based on the above discussion, the rejections of claims 7 and 9 should also be withdrawn.

Amended independent claim 36 specifies similar features as amended independent claim 6, discussed above. As discussed above, Hadland fails to teach, disclose, or suggest each of the features specified in amended independent claim 6. Therefore, in view of the foregoing, amended independent claim 36 is allowable and the rejection of this claim should be withdrawn. Claims 37 and 39 depend from amended independent claim 36 and are thus allowable for at least the same reasons discussed above with respect to amended independent claim 36 including the

additional features cited therein. Therefore, the rejections of claims 37 and 39 should also be withdrawn.

#### Claims 43-48

Claims 43-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sahai. As noted in the "Amendments to the Claims" section above, claim 47 has been canceled. The rejections of the remaining claims are respectfully traversed.

Sahai discloses a system in which a server processor coupled to a client processor receives client processor capabilities in association with a request for service for a multimedia type data transfer. The server determines the characteristics of the transfer to the client based on the capabilities and preferences (See Col. 2, lines 19-24).

Amended independent claim 43 specifies similar features as amended independent claim 6 and 36, discussed above. In particular, amended independent claim 43 specifies a set of parameters including a plurality of disparate routing parameters for determining an optimal path among a plurality of available paths along a network segment, and transmitting the adapted data along the network segment based on at least one of the plurality of disparate routing parameters. Sahai, discussed above, fails to teach, disclose, or suggest the aforementioned features. Accordingly, amended independent claim 43 is allowable and the rejection of this claim should be withdrawn. Claims 44-46 and 48 depend from amended independent claim 43 and are thus allowable for at least the same reasons discussed above with respect to amended independent claim 43 including the additional features cited therein. Therefore, the rejections of claims 44-46 and 48 should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

Claims 10-12, 13-30 and 40-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hadland in view of Natarajan. As reflected in the above section entitled "Amendments to the Claims," claims 14 and 20-21 have been canceled. The rejections of the remaining claims are respectfully traversed.

As discussed above, amended independent claims 6 and 36 are allowable over Hadland which fails to teach, disclose, or suggest each of the features specified in these claims. Claims 10-12 depend from claim 6 and claims 40-42 depend from claim 36. Thus, claims 10-12 and 40-42 are also allowable over Hadland by virtue of their dependencies on claims 6 and 36 as well as the additional features specified therein.

With respect to claim 13, this claim has been amended to specify a system for transmitting data from a central source to a plurality of receiving devices where at least two of the receiving devices are located on disparate segments of a communications network. The system includes a network device for distributing a plurality of sets of instructions, wherein the plurality of sets of instructions is for adapting the data according to a plurality of sets of transmission parameters associated with a backbone and a plurality of disparate segments of the communications network. The system also includes a central server which includes a receiver for receiving at least one of the plurality of sets of instructions from the network device, a processor for implementing the at least one of the plurality of sets of instructions to adapt the data according to the transmission parameters associated with the backbone, and a transmitter for transmitting the adapted data along the backbone. The system further includes a distribution device along each of the plurality of disparate segments. The distribution device includes a receiver for receiving the adapted data from the central server along the backbone and for

receiving at least one of the plurality of sets of instructions to further adapt the data according to at least one of the plurality of sets of transmission parameters associated with at least one of the plurality of disparate segments, a processor for implementing each received set of instructions, and a transmitter for transmitting the adapted data to at least one receiving device.

Hadland, discussed above, fails to teach, disclose, or suggest each and every feature specified in amended independent claim 13. For example, Hadland fails to disclose a system including a central server for transmitting adapted data along a network backbone to a distribution device along each of a plurality of disparate network segments where each distribution device further adapts data received from the central server according to a set of transmission parameters associated with each disparate segment. Instead, Hadland merely discloses a system for converting data from a first protocol to a second protocol in transmitting data to a host device compatible with the first protocol, to a remote device compatible with the second protocol. Thus, amended independent claim 13 is also allowable over Hadland. Claims 15-19 and 22-30 depend from claim 13. Thus, claims 15-19 and 22-30 are also allowable over Hadland by virtue of their dependencies on claims 13 as well as the additional features specified therein.

Natarajan, relied upon to cure the deficiencies of Hadland, discloses a technique for implementing a feedback-based data network which is able to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by dynamically and automatically modifying selected network parameters in order to achieve a desired performance level (See Col. 2, lines 15-22). Natarajan, however, fails to teach disclose or suggest each of the features specified in claims 10-12, 13-30 and 40-42. For example, Natarajan fails to disclose a set of parameters including a plurality of disparate routing

parameters for determining an optimal path among a plurality of available paths along a network segment, and transmitting the adapted data along the network segment based on at least one of the plurality of disparate routing parameters, as specified in claims 10-12 and 40-42 (by virtue of their dependencies on claims 6 and 36, discussed above). Natarajan also fails to disclose the above-described features of claim 13 (as well as claims 15-19 and 22-30 by virtue of their dependencies on claim 13). Therefore, claims 10-12, 13-30 and 40-42 are allowable over Natarajan.

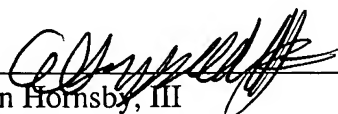
Since neither Hadland nor Natarajan, alone or in combination, teach, disclose or suggest each of the features of claims 10-12, 13-30 and 40-42, these claims are allowable and the rejections of these claims should be withdrawn.

### Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,  
MERCHANT & GOULD

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